



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

DEC 14 2006

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OSEP 07 - 02

MEMORANDUM

TO: Chief State School Officers, State Directors of Special Education, and State Data Managers

FROM: Alexa Posny, Ph.D., Director *Alexa Posny*
Office of Special Education Programs (OSEP)

SUBJECT: Part B State Performance Plan (Part B – SPP) and Part B Annual Performance Report (Part B – APR)

ACTION

REQUIRED: Submission of the Part B Annual Performance Report and Revisions to the Part B State Performance Plan by February 1, 2007

In accordance with 20 U.S.C. 1416(b)(1) of the Individuals with Disabilities Education Improvement Act (IDEA) amendments of 2004, not later than one year after the date of enactment of IDEA 2004, each State must have in place a performance plan that evaluates the State's efforts to implement the requirements and purposes of Part B and describe how the State will improve such implementation. This plan is called the Part B State Performance Plan (Part B – SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) and 34 CFR §300.602 the State must report annually to the public on the performance of each local educational agency located in the State on the targets in the State's performance plan. The State also must report annually to the Secretary on the performance of the State under the State's performance plan. This report is called the Part B Annual Performance Report (Part B – APR).

Information Collection 1820-0624, *Part B State Performance Plan (Part B – SPP) and Annual Performance Report (Part B – APR)*, contains both Part B – SPP and Part B – APR instructions. The instruction sheet is divided into four sections: 1) General Instructions; 2) State Performance Plan; 3) Annual Performance Report; and 4) Related Requirements. States are encouraged to make note of the following due dates and implement a development schedule accordingly:

- 1) By February 1, 2007, States must EITHER –
 - A. Submit a revised complete SPP that addresses all of the “New Indicators,” and any deficiencies identified in the Office of Special Education Programs’ SPP response letter that was issued earlier this year; OR
 - B. Submit, using the SPP template, complete information for all of the “New Indicators” and any deficiencies identified in the Office of Special Education Programs’ SPP response letter that was issued earlier this year. In this case, the State also must indicate where on its website that a complete copy of the SPP, including the new information, is available.
- 2) By February 1, 2007, States must submit the FFY 2005 APR.

Please note that for the February 1, 2007 submission States must provide, at least, SPP information for “New Indicators” 4B, 8, 9, 10, 11, 13, and 18, and APR information for Indicators 1, 2, 3, 4A, 5, 6, 7, 12, 14, 15, 16, 17, 19, and 20.

When completing the SPP and APR, States will need to use the following parts of Information Collections 1820-0624 and 1820-0677.

SPP Materials –

- SPP Instructions (See Section II of the enclosed Instructions.)
- Part B Indicator/Measurement Table with Instructions¹
- SPP Template

APR Materials –

- APR Instructions (See Section III of the enclosed Instructions.)
- Part B Indicator/Measurement Table with Instructions
- For the FFY 2005 (2005-2006) APR, use Table 7 of Information Collection 1820-0677 (*Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act*) when addressing the following Monitoring Priority and Indicators: Effective General Supervision Part B / General Supervision, Indicators 16, 17, 18, and 19.
- APR Template

As noted in the conference report to HR 1350, it is Congress’ expectation that SPPs, indicators, and targets will be developed with broad stakeholder input and public dissemination. Therefore, the State is required to provide information in the Overview to State Performance Plan Development section of the SPP template to specify how the State: 1) Obtained ‘broad input’ from stakeholders related to “New Indicators”; and 2)

¹ Monitoring Priorities, Indicators, and measurements included on the *Part B Indicator Measurement Table* are to be used to populate designated sections of the SPP and APR Templates. Populated templates can be found at <http://www.ed.gov/policy/speced/guid/idea/bapr/index.html>.

Disseminated the SPP to the public.

Similarly, in the APR, the State is to provide a description of the process the State used to develop the APR. The description must include how and when the State will report annually to the public on: 1) the State's progress and/or slippage in meeting the 'measurable and rigorous targets' found in the SPP; and 2) the performance of each local educational agency located in the State on the targets in the SPP.

The *Part B Indicator Measurement Table* lists the Monitoring Priorities and Indicators, required data sources and measurement and instructions for providing the required information for each indicator. In addition to the percentages required in the indicators, States are required to provide actual numbers used in the calculations.² In examining data, States are encouraged to use the strategies and questions provided in the *Using Data to Guide Improvement Efforts: Data Analysis* workshop. These questions can be accessed at <http://www.ed.gov/policy/speced/guid/idea/bapr/index.html>

States may add indicators if there are additional areas that the State wishes to track and measure. If additional indicators are added the State is to include a data source, measurement, and calculation for each indicator added. In addition, the State must include targets and data to address its performance against the targets the State establishes for those additional indicators.

States are allowed to use sampling when so indicated on the *Part B Indicator Measurement Table*. When sampling is used, a description of the sampling methodology outlining how the design will yield valid and reliable estimates *must* be submitted to OSEP. The description must describe the: (a) sampling procedures followed (e.g., random/stratified, forms validation); and (b) similarity or differences of the sample to the population of students with disabilities (e.g., how all aspects of the population such as disability category, race, age, gender, etc. will be represented). The description must also include how the State Education Agency addresses any problems with: (1) response rates; (2) missing data; and (3) selection bias.

Samples from local education agencies (LEAs) must be representative of each of the LEAs sampled considering such variables as disability categories, age, race, and gender. If a State chooses to sample LEAs, all LEAs with average daily memberships (ADM) of over 50,000 *must* be included in the sample. States have the option of sampling within some LEAs and using a census (i.e., obtaining data from the total targeted population) in other LEAs.

Relative to small districts, the State shall not report to the public or the Secretary any information on performance that would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information, i.e., numbers are too small.

For indicators that permit sampling, the State must include in its report on the performance of LEAs the most recently available performance data on each LEA and the date the data were obtained. If a State is using sampling for one or more indicators, the State must sample on the performance of each LEA on each of those indicators at least once during the course of

² States are not required to provide the actual numbers if they are using percentages from the 618 data that have been previously calculated and are presented on IDEADATA.org.

the SPP. Further, if a State is using sampling, the State must collect data from a representative sample of LEAs each year in order to report on State performance annually.

To submit an SPP and/or APR:

Submit a copy of the SPP and/or APR to the following address:

U.S. Department of Education
ATTN: Janet Scire / Mail Stop 2600
7100 Old Landover Road
Landover, MD, 20785-1506

If available, a corresponding electronic text file of the SPP and/or APR should be submitted to OSERS.bapr@ed.gov.

The submission requirements, tables, and templates that should be used to complete the Part B SPP and/or APR can be accessed electronically at
<http://www.ed.gov/policy/speced/guid/idea/monitor/index.html>.

If you have any further questions about the SPP and/or APR and/or the submission options listed above, please contact your Part B State contact.

Enclosures

cc: Federal Resource Center
Regional Resource Centers
National Early Childhood Technical Assistance Center (NECTAC)

Part B – SPP /APR (1)

State

Part B State Performance Plan (SPP) and Annual Performance Report (APR) Instruction Sheet

I. General Instructions

Information Collection 1820-0624, *Part B State Performance Plan (SPP) and Annual Performance Report (APR)*, contains both SPP and APR instructions. The instruction sheet is divided into four sections: 1) General Instructions; 2) State Performance Plan; 3) Annual Performance Report; and 4) Related Requirements. States are encouraged to make note of the following due dates and implement a development schedule accordingly: 1) By February 1, 2007, States must resubmit an SPP that addresses “New Indicators” and any deficiencies identified in the Office of Special Education Programs’ SPP response letter; and 2) By February 1st, beginning in 2007 and continuing through February 1, 2012, States must submit APRs.

Information Collection 1820-0624, *Part B State Performance Plan (Part B – SPP) and Annual Performance Report (Part B – APR)*, contains both Part B – SPP and Part B – APR instructions. The instruction sheet is divided into four sections: 1) General Instructions; 2) State Performance Plan; 3) Annual Performance Report; and 4) Related Requirements. States are encouraged to make note of the following due dates and implement a development schedule accordingly:

- 1) By February 1, 2007, States must EITHER –
 - A. Submit a revised complete SPP that addresses all of the “New Indicators,” and any deficiencies identified in the Office of Special Education Programs’ SPP response letter that was issued earlier this year; OR
 - B. Submit, using the SPP template, complete information for all of the “New Indicators” and any deficiencies identified in the Office of Special Education Programs’ SPP response letter that was issued earlier this year. In this case, the State also must indicate where on its website that a complete copy of the SPP, including the new information, is available.
- 2) By February 1, 2007, States must submit the FFY 2005 APR.

Please note that for the February 1, 2007 submission States must provide, at least, SPP information for “New Indicators” 4B, 8, 9, 10, 11, 13, and 18, and APR information for Indicators 1, 2, 3, 4A, 5, 6, 7, 12, 14, 15, 16, 17, 19, and 20.

When completing the SPP and APR, States will need to use the following parts of Information Collections 1820-0624 and 1820-0677.

SPP Materials –

- SPP Instructions (See Section II of the enclosed Instructions.)
- Part B Indicator/Measurement Table with Instructions¹
- SPP Template

APR Materials –

- APR Instructions (See Section III of the enclosed Instructions.)
- Part B Indicator/Measurement Table with Instructions
- For the FFY 2005 (2005-2006) APR, use Table 7 of Information Collection 1820-0677 (*Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act*) when addressing the following Monitoring Priority and Indicators: Effective General Supervision Part B / General Supervision, Indicators 16, 17, 18, and 19.
- APR Template

As noted in the conference report to HR 1350, it is Congress’ expectation that SPPs, indicators, and

¹ Monitoring Priorities, indicators, and measurements included on the *Part B Indicator Measurement Table* are to be used to populate designated sections of the SPP and APR Templates. Populated templates can be found at <http://www.ed.gov/policy/speced/guid/idea/bapr/index.html>

Part B – SPP /APR (1)

State

targets will be developed with broad stakeholder input and public dissemination. Therefore, the State is required to provide information in the Overview to State Performance Plan Development section of the SPP template to specify how the State: 1) Obtained ‘broad input’ from stakeholders related to “New Indicators”; and 2) Disseminated the SPP to the public.

Similarly, in the APR, the State is to provide a description of the process the State used to develop the APR. The description must include how and when the State will report annually to the public on: 1) the State’s progress and/or slippage in meeting the ‘measurable and rigorous targets’ found in the SPP; and 2) the performance of each local educational agency located in the State on the targets in the SPP.

The *Part B Indicator Measurement Table* lists the Monitoring Priorities and Indicators, required data sources and measurement and instructions for providing the required information for each indicator. In addition to the percentages required in the indicators, States are required to provide actual numbers used in the calculations.² In examining data, States are encouraged to use the strategies and questions provided in the *Using Data to Guide Improvement Efforts: Data Analysis* workshop. These questions can be accessed at <http://www.ed.gov/policy/speced/guid/idea/bapr/index.html>

States may add indicators if there are additional areas that the State wishes to track and measure. If additional indicators are added the State is to include a data source, measurement, and calculation for each indicator added. In addition, the State must include targets and data to address its performance against the targets the State establishes for those additional indicators.

States are allowed to use sampling when so indicated on the *Part B Indicator Measurement Table*. When sampling is used, a description of the sampling methodology outlining how the design will yield valid and reliable estimates *must* be submitted to OSEP. The description must describe the: (a) sampling procedures followed (e.g., random/stratified, forms validation); and (b) similarity or differences of the sample to the population of students with disabilities (e.g., how all aspects of the population such as disability category, race, age, gender, etc. will be represented). The description must also include how the State Education Agency addresses any problems with: (1) response rates; (2) missing data; and (3) selection bias.

Samples from local education agencies (LEAs) must be representative of each of the LEAs sampled considering such variables as disability categories, age, race, and gender. If a State chooses to sample LEAs, all LEAs with average daily memberships (ADM) of over 50,000 *must* be included in the sample. States have the option of sampling within some LEAs and using a census (i.e., obtaining data from the total targeted population) in other LEAs. Relative to small districts, the State shall not report to the public or the Secretary any information on performance that would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information, i.e., numbers are too small.

For indicators that permit sampling, the State must include in its report on the performance of LEAs the most recently available performance data on each LEA and the date the data were obtained. If a State is using sampling for one or more indicators, the State must sample on the performance of each LEA on each of those indicators at least once during the course of the SPP. Further, if a State is using sampling, the State must collect data from a representative sample of LEAs each year in order to report on State performance annually.

To submit an SPP and/or APR:

Submit a copy of the SPP and/or APR to the following address:

U.S. Department of Education
ATTN: Janet Scire / Mail Stop 2600
7100 Old Landover Road
Landover, MD, 20785-1506

² States are not required to provide the actual numbers if they are using percentages from the 618 data that have been previously calculated and are presented on IDEADATA.org.

Part B – SPP /APR (1)

State

If available, a corresponding electronic text file of the SPP and/or APR should be submitted to
OSERS.bapr@ed.gov

The submission requirements, tables, and templates that should be used to complete the Part B SPP and/or APR can be accessed electronically at
<http://www.ed.gov/policy/speced/guid/idea/monitor/index.html>.

If you have any further questions about the SPP and/or APR and/or the submission options listed above, please contact your Part B State contact.

Part B – SPP /APR (1)

State

II. State Performance Plan (SPP)

The State Performance Plan (FFY 2005-2010) was submitted on December 2, 2005 and is to be reviewed by the State at least once every six years. The Secretary shall review each SPP. A SPP shall be deemed approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the plan, that the plan does not meet the requirements of 20 U.S.C. 1416, including the specific provisions described at 20 U.S.C. 1416(b).

States are to provide information, as instructed, in the following section of the SPP Template:

Overview of State Performance Plan Development:

- Provide a description of the process the State used to develop the SPP. The description must include how the State:
 - Obtained 'broad input' from stakeholders; and
 - Will disseminate the SPP to the public.

Information found in the following sections of the SPP Template is provided by the Secretary:

Monitoring Priority:

- A prioritized area in which State and local education agencies' performance is measured. Monitoring priorities are determined by the Secretary.

Indicator:

- A statement used to help quantify and/or qualify a monitoring priority. Indicators are determined by the Secretary.

Measurement:

- Specific measures, determined by the Secretary and in designated cases by the State, used to quantify or qualify given indicators. Measurements are determined by the Secretary or in designated cases by the State.

States are to provide information, as instructed, in the following sections of the SPP Template:

Overview of Issue/Description of System or Process:

- Provide an overview or description of the issue (e.g., LRE) or system (e.g., monitoring).

Baseline Data:

- Provide baseline data using the measurements provided by the Secretary or as determined by the State.

Discussion of Baseline Data:

- Provide clarification needed in regard to the baseline data.

FFY:

- Indicate the federal fiscal year on which data are being reported.

Part B – SPP /APR (1)

State

Measurable and Rigorous Target:

- Designate, for each indicator, the desired level of performance to be reached for each specified federal fiscal year (FFY).
- Baseline, targets and improvement activities for Indicators 4B, 8, 9, 10, 11, 13, and 18 are due with the FFY 2005 (2005-2006) APR due February 1, 2007.
- For Indicators 7 and 14, provide entry data on February 1, 2007. Baseline, targets, and improvement activities based on progress data that are to be provided with the FFY 2006 APR are due February 1, 2008. In the February 1, 2007 APR, describe how data are to be collected so that the State will be able to report baseline data, targets, and improvement activities with the FFY 2006 APR due February 1, 2008.
- Targets for Indicators 11, 12, 13, 15, 16, 17, and 20 cannot be less than 100%.
- Targets for Indicators 9 and 10 are 0%.

Improvement Activities/Timelines/Resources:

- Describe how the State will improve performance for each indicator, including activities, timelines, and resources.

Part B – SPP /APR (1)

State

III. Annual Performance Report

The State Annual Performance Report is to be submitted annually in accordance with 20 U.S.C. 1416(b)(2)(C)(ii)(II). The first APR will be due February 1, 2007. The State shall report annually to the public on the performance of each local educational agency located in the State on the targets in the State's performance plan. The State shall report annually to the Secretary and the public on the performance of the State under the State's performance plan.

States are to provide information, as instructed, in the following section of the APR Template:

Overview of the Annual Performance Report Development:

- Provide a description of the process the State used to develop the APR. The description must include how and when the State will report annually to the public on the:
 - Progress and/or slippage in meeting the 'measurable and rigorous targets' found in the SPP; and
 - Performance of each local educational agency located in the State on the targets in the SPP.

Information found in the following sections of the APR Template is provided by the Secretary:

Monitoring Priority:

- A prioritized area in which States and local education agencies' performance is measured. Monitoring priorities are determined by the Secretary.

Indicator:

- A statement used to help quantify and/or qualify a monitoring priority. Indicators are determined by the Secretary.

Measurement:

- Specific measures, determined by the Secretary and in designated cases by the State, used to quantify or qualify given indicators. Measurements are determined by the Secretary or in designated cases by the State.

States are to provide information, as instructed, the following sections of the APR Template:

FFY:

- Indicate the federal fiscal year on which data are being reported.

Measurable and Rigorous Target:

- Designate, for each indicator, the desired level of performance to be reached for the specified FFY.

Actual Target Data for (*Insert FFY*):

- Provide the actual target data for the given indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (*Insert FFY*):

- Analyze data to form a basis for this discussion. Describe the improvement activities

Part B – SPP /APR (1)

State

implemented during the FFY and progress on meeting the targets. Describe any slippage, e.g., lack of progress on the target, improvement activities not completed, etc., that has occurred and how the State plans to address the slippage through adjustments or improvements made in State programs, policies, or practices. If the State did not meet a compliance target, provide information regarding the nature of the continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken. Provide an explanation of performance data in this section, if needed.

- The State shall not report to the public or the Secretary any information on performance that would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information, i.e., numbers are too small.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (*Insert FFY*):

- Provide information on revised targets, activities, timelines or resources. This information should include the State's revisions to the SPP and justification for the revisions. Revisions to targets, activities, timelines or resources do not relieve the State of its responsibility to provide "Actual Target Data" for the given year.

Part B – SPP /APR (1)

State

IV. Related Requirements

This document includes a list of the Monitoring Priorities and Indicators and the requirements from the statutes and regulations that are related to each Priority and Indicator. The purpose of this document is to inform States of the statutory and/or regulatory requirements related to each Indicator that will be reviewed by OSEP as part of Focused Monitoring. That is, if OSEP determines that it will do Focused Monitoring in a State because that State is low performing or in noncompliance with a specific indicator, OSEP will review the Related Requirements for that Indicator as part of the Focused Monitoring. OSEP encourages States to examine their general supervision systems to determine how they address these Related Requirements.

Part B – SPP/APR (2)

State

Part B State Performance Plan (SPP) and Annual Performance Report (APR)

Part B Indicator Measurement Table¹

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
Monitoring Priority: FAPE in the LRE	Data Source: State data source and measurement. Measurement: Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.	<i>If State uses 618 data sampling is not allowed.</i> States must use State-level graduation data. A State must provide the following: <ul style="list-style-type: none"> • A narrative that describes the conditions youth must meet in order to graduate with a regular diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular diploma. If there is a difference, explain why. • The calculation used to determine graduation rate for youth with IEPs and all youth. Measurement for youth with disabilities should be the same measurement as for all youth. If not, indicate the difference and explain why there is a difference.
1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))	Data Source: State data source and measurement. Measurement: Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.	<i>If State uses 618 data sampling is not allowed.</i> States must use State-level dropout data. A State must provide the following: <ul style="list-style-type: none"> • A narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. If there is a difference, explain why. • The calculation used to determine dropout rate for youth with IEPs and all youth. Measurement for youth with disabilities should be the same measurement as for all youth. If not, indicate the difference and explain why there is a difference.
2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))	Data Source: State data source and measurement. Measurement: Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.	<i>If State uses 618 data sampling is not allowed.</i> States must use State-level dropout data. A State must provide the following: <ul style="list-style-type: none"> • A narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. If there is a difference, explain why. • The calculation used to determine dropout rate for youth with IEPs and all youth. Measurement for youth with disabilities should be the same measurement as for all youth. If not, indicate the difference and explain why there is a difference.

¹ Monitoring Priorities, indicators, and measurements included on the *Part B Indicator Measurement Table* are to be used to populate designated sections of the SPP and APR Templates. Populated templates can be found at <http://www.ed.gov/policy/speced/quad/ideal/bapr/index.html>

Part B – SPP /APR (2)

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for a disability subgroup.</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. (20 U.S.C. 1416 (a)(3)(A))</p>	<p>Data Source:</p> <p>Data source is assessment data collected for purposes of determining AYP. Participation and performance data to be taken from data collected for reporting under section 618 (Annual Report of Children Served); Table 6 (Section 618) is to be attached to this APR.</p> <p>Measurement:</p> <p>A. Percent = [(# of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)) divided by the (total # of districts that have a disability subgroup that meets the State's minimum "n" size in the State)] times 100.</p> <p>B. Participation rate =</p> <ul style="list-style-type: none"> a. # of children with IEPs in assessed grades; b. # of children with IEPs in regular assessment with no accommodations (percent = [(b) divided by (a)] times 100); c. # of children with IEPs in regular assessment with accommodations (percent = [(c) divided by (a)] times 100); d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = [(d) divided by (a)] times 100); and e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = [(e) divided by (a)] times 100). <p>Overall Percent = [(b + c + d + e) divided by (a)].</p>	<p><i>Sampling from State's 618 data is not allowed.</i></p> <p>States should use the same assessments used for reporting under NCLB.</p> <p>States should report the percent of districts meeting the State's AYP objectives by content area (across all grades) and overall (across grades and content area), and comply with NCLB requirements that a district must meet AYP targets in both content areas to be counted as having made overall AYP.</p> <p>States must attach Table 6 of their 618 submission. Participation and proficiency calculations in this APR report must report participation and proficiency rates by content area for each of the grades shown in Table 6.</p> <p>States should describe the results of the calculations and compare the results to their target.</p> <p>States are encouraged to present their APR information in summary tables and include multiple years of data for comparison purposes.</p> <p>Account for any children included in a but not included in b, c, d, or e above.</p>

State

Part B – SPP/APR (2)

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
<p>C. Proficiency rate =</p> <ul style="list-style-type: none"> a. # of children with IEPs in assessed grades; b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent = [(b) divided by(a)] times 100); c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent = [(c) divided by (a)] times 100); d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent = [(d) divided by (a)] times 100); and e. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent = [(e) divided by (a)] times 100). <p>Account for any children included in a but not included in b, c, d, or e above.</p> <p>Overall Percent = [(b + c + d + e) divided by (a)].</p>	<p>Data Source:</p> <p>Data collected for reporting under section 618. Discrepancy can be computed by either comparing rates for children with disabilities to rates for nondisabled within a district or by comparing among LEAs for children with disabilities in the State.</p> <p>Measurement:</p> <p>A. Percent = [(# of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and</p>	<p><i>Sampling from State's 618 data is not allowed.</i></p> <p>States must use the data that were reported for Table 5, Section A, Columns 3A, 3B, and 3C, Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days of the Annual Report of Children Served. Table 5 can be found at http://www.ed.gov/policy/speced/guid/idea/monitor/index.html</p> <p>Describe the results of the State's examination of data, including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long-term suspensions and</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and</p>	<p>A. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year) divided by the (# of districts in the State)]</p>	<p>Part B SPP/APR (OMB NO: 1820-0624 / Expiration Date: 08-31-2009)</p>

Part B – SPP /APR (2)

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
<p>ethnicity. (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))</p> <p>times 100.</p> <p>B. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity) divided by the (# of districts in the State)] times 100.</p> <p>Include State's definition of "significant discrepancy."</p>	<p>expulsions of children with disabilities, as required at 20 U.S.C. 1412(a)(22). The States examination must include one of the following comparisons:</p> <ul style="list-style-type: none"> • Among local educational agencies within the State, or • To the rates for nondisabled children within the agencies. <p>In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.</p> <p>If discrepancies occurred, describe how the State education agency reviewed and, if appropriate, revised (or required the affected local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this requirement.</p>	<p>Section B of this Indicator was new in the SPP. Baseline, targets and improvement activities to be provided with the FFY 2005 APR due February 1, 2007.</p>
<p>5. Percent of children with IEPs aged 6 through 21: A. Removed from regular class less than 21% of the day;²</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p>	<p>Data Source: Data collected for reporting under section 618 (Annual Report of Children Served).</p> <p>Measurement:</p> <ul style="list-style-type: none"> A. Percent = [(# of children with IEPs removed from regular class less than 21% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100. B. Percent = [(# of children with IEPs removed from 	<p><i>Sampling from State's 618 data is not allowed.</i></p> <p>States should describe the results of the calculations and compare the results to their target.</p>

² At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

Part B – SPP /APR (2)

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
(20 U.S.C. 1416(a)(3)(A))	<p>regular class greater than 60% of the day) divided by the (total # of students aged 6 through 21 with IEPs) times 100.</p> <p>C. Percent = [(# of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p>	<p><i>Sampling from State's 618 data is not allowed.</i></p> <p>States should describe the results of the calculations and compare the results to their target.</p>
6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings). (20 U.S.C. 1416(a)(3)(A))	<p>Data Source: Data collected for reporting under section 618 (Annual Report of Children Served).</p> <p>Measurement: Percent = [# of preschool children with IEPs who received special education services in settings with typically developing peers] divided by the (total # of preschool children with IEPs)] times 100.</p>	<p><i>Sampling of children for assessment is allowed. When sampling is used, a description of the sampling methodology outlining how the design will yield valid and reliable estimates must be submitted to OSEP. (See General Instructions page 2 for additional instructions on sampling.)</i></p> <p>In presenting their results, States should provide their criteria for defining "comparable to same-aged peers." If a State is using the ECO Child Outcomes Summary Form (COSF), then the criteria for defining "comparable to same-aged peers" has been defined as a child who has been scored as a 6 or 7 on the COSF.</p> <p>In addition, States should list the instruments and procedures used to gather data for this Indicator, including if the State is using the ECO COSF.</p> <p>States should describe the results of the calculations and compare the results to their target.</p> <p>New indicator in SPP. On February 1, 2007</p>
7. Percent of preschool children with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. (20 U.S.C. 1416 (a)(3)(A))	<p>Data Source: State selected data source.</p> <p>Measurement:</p> <p>A. Positive social-emotional skills (including social relationships):</p> <p>a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)]</p>	

Part B – SPP /APR (2)

State

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
	<p>times 100.</p> <p>c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [<# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it>] divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [<# of preschool children who improved functioning to reach a level comparable to same-aged peers>] divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [<# of preschool children who maintained functioning at a level comparable to same-aged peers>] divided by the (# of preschool children with IEPs assessed)] times 100.</p>	<p>provide entry data. Baseline, targets and improvement activities based on progress data to be provided with the FFY 2006 APR due February 1, 2008. In the February 1, 2007 APR, describe how data are to be collected so that the State will be able to report baseline data and targets with the FFY 2006 APR due February 1, 2008.</p> <p>If a + b + c + d +e does not sum to 100%, explain the difference.</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</p> <p>a. Percent of preschool children who did not improve functioning = [<# of preschool children who did not improve functioning)] divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [<# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers)] times 100.</p>

Part B – SPP /APR (2)

State

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
	<p>same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</p>	<p>If a + b + c + d + e does not sum to 100%, explain the difference.</p> <p>C. Use of appropriate behaviors to meet their needs:</p> <p>a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</p>

Part B – SPP /APR (2)

State

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
<p>move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.</p> <p>If a + b + c + d + e does not sum to 100%, explain the difference.</p>	<p>Data Source: State selected data source.</p> <p>Measurement: Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.</p> <p>Sampling of parents to receive the survey is allowed. When sampling is used, a description of the sampling methodology outlining how the design will yield valid and reliable estimates must be submitted to OSEP. (See General Instructions page 2 for additional instructions on sampling.)</p> <p>States may wish to utilize information/surveys developed by the National Center for Special Education Accountability Monitoring (NCSEAM) or the Early Childhood Outcomes Center (ECO). States must submit a copy of any survey used for</p>	
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (20 U.S.C. 1416(a)(3)(A))</p>		

Part B – SPP /APR (2)

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
		<p>States should describe the results of the calculations and compare the results to their target.</p> <p>New indicator in SPP. Baseline, targets and improvement activities to be provided with the FFY 2005 APR due February 1, 2007.</p>
Monitoring Priority: Disproportionality	<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C))</p>	<p>Data Source: Data collected for reporting under section 618 (Annual Report of Children Served).</p> <p>Measurement: $\text{Percent} = [\# \text{ of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification}) \text{ divided by the } (\# \text{ of districts in the State})] \text{ times } 100.$</p> <p>Include State's definition of "disproportionate representation."</p> <p>Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.</p> <p>Sampling from State's 618 data is not allowed.</p> <p>Provide racial/ethnic disproportionality data for children aged 6 through 21 served under IDEAS. Provide these data for all children with disabilities.</p> <p>The data analyzed must be the same data reported to OSEP on the <i>Report of Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act (Child Count)</i>. Tables for the child count (Table 1) of the Annual Report of Children Served can be found at http://www.ed.gov/policy/speced/guid/idea/monitor/index.html.</p> <p>States should consider using multiple methods in calculating disproportionality to reduce the risk of overlooking potential problems. If a State chooses to use risk ratios, Westat has developed an electronic spreadsheet that calculates both weighted and unweighted risk ratios for State and district-level data. States can request a copy of this file by sending a message to IDEAdata@westat.com or phoning 1-888-819-7024. Describe the method(s) used to determine disproportionality in the cell labeled <i>Baseline/Trend Data</i>.</p> <p>Targets must be 0%.</p> <p>If the State has previously identified significant disproportionality, describe how the State addressed the disproportionality, including review of policies, procedures and practices and revisions, as</p>

Part B – SPP /APR (2)

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C))</p> <p>Data Source: Data collected for reporting under section 618 (Annual Report of Children Served).</p> <p>Measurement: $\text{Percent} = \left[\frac{\text{[# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification]}}{\text{[# of districts in the State]}} \right] \times 100.$ Include State's definition of "disproportionate representation."</p> <p>Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.</p>	<p>New Indicator in SPP. Baseline, targets and improvement activities to be provided with the FFY 2005 APR due February 1, 2007.</p> <p><i>Sampling from State's 618 data is not allowed.</i></p> <p>Provide racial/ethnic disproportionality data for children aged 6 through 21 served under IDEA. Provide these data at a minimum for children in the following six disability categories: mental retardation, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments, and autism. If a State has previously identified a problem, or if a State has reason to believe that there are issues with other disability categories (i.e., through written complaints, due process filings, etc.), then the State should explore the remaining disability categories as necessary.</p> <p>The data analyzed must be the same data reported to OSEP on the <i>Report of Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act (Child Count)</i>. Tables for the child count (Table 1) of the Annual Report of Children Served can be found at http://www.ed.gov/policy/speced/guid/idea/monitor/index.html.</p> <p>States should consider using multiple methods in calculating disproportionality to reduce the risk of overlooking potential problems. If a State chooses to use risk ratios, Westat has developed an electronic spreadsheet that calculates both weighted and unweighted risk ratios for State and district-level data. States can request a copy of this file by sending a message to IDEAdata@westat.com or phoning 1-888-819-7024. Describe the method(s) used to determine disproportionality in the cell labeled <i>Baseline/Trend Data</i>.</p>	

Part B – SPP /APR (2)

State

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
		<p>Targets must be 0%.</p> <p>If the State has previously identified significant disproportionality, describe how the State addressed the disproportionality, including review of policies, procedures and practices and revisions, as appropriate.</p> <p>New Indicator in SPP. Baseline, targets and improvement activities to be provided with the FFY 2005 APR due February 1, 2007.</p>
		<p>Monitoring Priority: Effective General Supervision Part B</p> <p>Effective General Supervision Part B / Child Find</p> <p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline). (20 U.S.C. 1416(a)(3)(B))</p> <p>Data Source: Data to be taken from State monitoring or State data system and must be based on actual, not an average, number of days. Indicate if the State has established a timeline and, if so, what is the State's timeline for initial evaluations.</p> <p>Measurement:</p> <ul style="list-style-type: none"> a. # of children for whom parental consent to evaluate was received. b. # determined not eligible whose evaluations were completed within 60 days (or State established timeline). c. # determined eligible whose evaluations were completed within 60 days (or State established timeline). <p>Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.</p> <p>Percent = [(b + c) divided by (a)] times 100.</p>
		<p>Effective General Supervision Part B / Effective Transition</p>

Part B – SPP /APR (2)

State

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. (20 U.S.C. 1416(a)(3)(B))	<p>Data Source: Data to be taken from State monitoring or State data system.</p> <p>Measurement:</p> <ul style="list-style-type: none"> a. # of children who have been served in Part C and referred to Part B for eligibility determination. b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays. c. # of those found eligible who have an IEP developed and implemented by their third birthdays. d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services. <p>Account for children included in a but not included in b, c or d. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.</p> $\text{Percent} = [(c - b - d)] \text{ times } 100.$	<p><i>When data is taken from State monitoring, States must describe the method used to select LEAs for monitoring.</i> Targets must be 100%.</p> <p>States should describe the results of the calculations and compare the results to their target.</p>
13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. (20 U.S.C. 1416(a)(3)(B))	<p>Data Source: Data to be taken from State monitoring or State data system.</p> <p>Measurement:</p> $\text{Percent} = [(\# \text{ of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals}) \text{ divided by the } (\# \text{ of youth with an IEP age 16 and above})] \text{ times } 100.$	<p><i>When data is taken from State monitoring, States must describe the method used to select LEAs for monitoring.</i> Targets must be 100%.</p> <p>New indicator in SPP. Baseline, targets and improvement activities to be provided with the FFY 2005 APR due February 1, 2007.</p>
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or	<p>Data Source: State selected data source.</p>	<p><i>Sampling of youth who had IEPs and are no longer in secondary school is allowed. When sampling is used, a description of the sampling methodology outlining how the design will yield valid and reliable estimates must be</i></p>

Part B – SPP /APR (2)

State

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
<p>both, within one year of leaving high school.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p>Measurement:</p> <p>Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.</p>	<p>submitted to OSEP. (See <u>General/Instructions page 2 for additional instructions on sampling.</u>)</p> <p>States should describe the results of the calculations and compare the results to their target.</p> <p>Address all youth who left school including those who graduated, dropped out, aged out, etc. Describe how the above leavers are included in the sample.</p> <p>Data must be collected annually between April and September, inclusive. States must include students who completed school during the prior school year, who dropped out during the prior school year or who were expected to return but did not return for the current school year.</p> <p>A State must provide the following:</p> <ul style="list-style-type: none"> • A narrative that defines competitive employment, including whether the work is full-time (35 or more hours per week) or part-time (less than 35 hours per week). OSEP encourages States to use the Rehabilitation Act definition of competitive employment which reads: <i>Competitive employment means work- (i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled. (Authority: Sections 7(11) and 12(c) of the Act; 29 U.S.C. 705(11) and 709(c)).</i> • A narrative that defines postsecondary school, including: (a) type of school, education, or training; and (b) whether enrollment is full- or part-time. Describe

Part B – SPP /APR (2)

State

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
		<p>New Indicator in SPP. In the FFY 2005 APR, describe how data are to be collected on 2005-2006 leavers so that the State will be able to report baseline, targets and improvement activities with the FFY 2006 APR due February 1, 2008.</p>
<p>Effective General Supervision Part B / General Supervision</p> <p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. (20 U.S.C. 1416 (a)(3)(B))</p>	<p>Data Source: Data to be taken from State monitoring, complaints, hearings and other general supervision system components. Indicate the number of agencies monitored using different components of the State's general supervision system.</p> <p>Measurement: Percent of noncompliance corrected within one year of identification: a. # of findings of noncompliance. b. # of corrections completed as soon as possible but in no case later than one year from identification. $\text{Percent} = [(b) \text{ divided by } (a)] \text{ times } 100.$ For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.</p> <p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. (20 U.S.C. 1416(a)(3)(B))</p>	<p>States must describe the process for selecting LEAs for monitoring.</p> <p>States should describe the results of the calculations and compare the results to their target.</p> <p>Targets must be 100%.</p> <p>States should reflect monitoring data collected through the components of the State's general supervision system, including on-site visits, self-assessments, local performance plans and annual performance reports, desk audits, data reviews, complaints, due process hearings, etc.</p> <p>Areas of noncompliance should be grouped by monitoring priority areas and other topical areas.</p> <p>The State should describe the topical areas.</p> <p>States are not required to report data at the LEA level.</p> <p><i>Sampling is not allowed.</i></p> <p>States should describe the results of the calculations and compare the results to their target.</p> <p>Targets must be 100%.</p> <p>States are not required to report data at the LEA level.</p> <p>Complete Table 7 of Information Collection 1820-</p>

Part B – SPP /APR (2)

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
		0677 and submit a copy of completed table with the FFY 2005 (2005-2006) APR due February 1, 2007. An electronic copy of Information Collection 1820-0677 can be found at http://www.ed.gov/policy/speced/guid/idea/bapr/index.html
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. (20 U.S.C. 1416(a)(3)(B))	<p>Data Source: Data collected on Table 7 of Information Collection 1820-0677 (<i>Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act</i>).</p> <p>Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.</p>	<p><i>Sampling is not allowed.</i></p> <p>States should describe the results of the calculations and compare the results to their target.</p> <p>Targets must be 100%.</p> <p>States are not required to report data at the LEA level.</p> <p>Complete Table 7 of Information Collection 1820-0677 and submit a copy of completed table with the FFY 2005 (2005-2006) APR due February 1, 2007. An electronic copy of Information Collection 1820-0677 can be found at http://www.ed.gov/policy/speced/guid/idea/bapr/index.html</p>
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. (20 U.S.C. 1416(a)(3)(B))	<p>Data Source: Data collected on Table 7 of Information Collection 1820-0677 (<i>Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act</i>).</p> <p>Measurement: Percent = (3.1(a) divided by 3.1) times 100.</p>	<p><i>Sampling is not allowed.</i></p> <p>States should describe the results of the calculations and compare the results to their target.</p> <p>States are not required to establish baseline or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, the State must develop baseline, targets and improvement activities, and report them in the corresponding APR.</p> <p>A target of 100% for this indicator may not be appropriate for all States. In looking at data on other forms of alternate dispute resolution, the consensus among practitioners is that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data. However, a higher resolution session target may be</p>

Part B – SPP /APR (2)

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
		<p>appropriate for some States.</p> <p>States are not required to report data at the LEA level.</p> <p>Complete Table 7 of Information Collection 1820-0677 and submit a copy of completed table with the FFY 2005 (2005-2006) APR due February 1, 2007. An electronic copy of Information Collection 1820-0677 can be found at http://www.ed.gov/policy/speced/guid/idea/bapr/index.html</p> <p>New indicator in SPP. Baseline, targets and improvement activities to be provided with the FFY 2005 APR due February 1, 2007.</p>
19. Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B))	<p>Data Source: Data collected on Table 7 of Information Collection 1820-0677 (<i>Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act</i>).</p> <p>Measurement: $\text{Percent} = \frac{[(2.1(\text{a})(\text{i}) + 2.1(\text{b})(\text{i})) \text{ divided by } 2.1] \text{ times } 100}{100}$</p>	<p><i>Sampling is not allowed.</i></p> <p>States should describe the results of the calculations and compare the results to their target.</p> <p>States are not required to establish baseline or targets if the number of mediations is less than 10. In a reporting period when the number of mediations reaches ten or greater, the State must develop baseline, targets and improvement activities, and report them in the corresponding APR.</p> <p>A target of 100% for this indicator may not be appropriate for all States. The consensus among mediation practitioners is that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data. However, a higher mediation target may be appropriate for some States.</p> <p>States are not required to report data at the LEA level.</p> <p>Complete Table 7 of Information Collection 1820-0677 and submit a copy of completed table with the FFY 2005 (2005-2006) APR due February 1, 2007. An electronic copy of Information Collection 1820-</p>

Part B – SPP /APR (2)

Monitoring Priorities and Indicators	Data Source and Measurement	Instructions for Indicators/Measurement
		0677 can be found at http://www.ed.gov/policy/speced/guid/idea/bapr/index.html
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. (20 U.S.C. 1416(a)(3)(B))	<p>Data Source: State selected data sources, including data from State data system, assessment system, as well as technical assistance and monitoring systems.</p> <p>Measurement: State reported data, including 618 data and annual performance reports, are:</p> <ol style="list-style-type: none"> Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met). 	<p>States should describe the results of the calculations and compare the results to their target. Targets must be 100% for timeliness and accuracy. States are not required to report data at the LEA level.</p> <p>To help determine if data are reported in an accurate manner, States are encouraged to reference <i>Data Accuracy: Critical Elements for Review of SPPs</i>. This document can be found at http://www.rfcnetwork.org/content/view/248/358/</p>

State

SPP Template – Part B (3)

State

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development:

(The following items are to be completed for each monitoring priority/indicator.)

Monitoring Priority:

Indicator –

Measurement:

Overview of Issue/Description of System or Process:

Baseline Data for FFY 2004 (2004-2005):

Discussion of Baseline Data:

FFY	Measurable and Rigorous Target
2005 (2005-2006)	
2006 (2006-2007)	
2007 (2007-2008)	
2008 (2008-2009)	
2009 (2009-2010)	
2010 (2010-2011)	

Improvement Activities/Timelines/Resources:

APR Template – Part B (4)

State

Part B State Annual Performance Report (APR) for _____ (*Insert FFY*)

Overview of the Annual Performance Report Development:

Monitoring Priority:

Indicator --:

Measurement:

FFY	Measurable and Rigorous Target
(<i>Insert FFY</i>)	(<i>Insert Measurable and Rigorous Target.</i>)

Actual Target Data for (*Insert FFY*):

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (*Insert FFY*):

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (*Insert FFY*)
[If applicable]

Part B – SPP /APR Related Requirements

Part B SPP/APR Related Requirements

Note: This document includes a list of the Monitoring Priorities and Indicators and the requirements from the statutes and regulations that are related to each Priority and Indicator. The purpose of this document is to inform States of the statutory and/or regulatory requirements related to each Indicator that will be reviewed by OSEP as part of Focused Monitoring. That is, if OSEP determines that it will do Focused Monitoring in a State because that State is low performing or in noncompliance with a specific indicator, OSEP will review the Related Requirements for that Indicator as part of the Focused Monitoring. OSEP encourages States to examine their general supervision systems to determine how they address these Related Requirements. Please note that the Related Requirements listed in the right column are abridged statements of the actual language in the statute and regulations. Readers are encouraged to review the full language of the requirements in the statute and regulations to ensure a complete understanding of the requirement.

MONITORING PRIORITIES AND INDICATORS	RELATED REQUIREMENTS
1. Percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. [20 U.S.C. 1416 (a)(3)(A)]	The SEA must establish goals for the performance of children with disabilities in the State that address graduation rates and dropout rates, as well as such other factors as the State may determine, and are consistent, to the extent appropriate, with any other goals and standards for children established by the State. [20 U.S.C. 1412(a)(15)(A) (iii) and (iv); 34 CFR §300.157(a)(3) and (4)] The State must adopt the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner. In carrying out this paragraph, the SEA, to the maximum extent possible, shall work collaboratively with the State agency responsible for assistive technology programs. [20 U.S.C. 1412(a)(23); 34 CFR §300.172(a)] For a child whose eligibility under Part B of the Individuals with Disability Education Act (Part B) terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education (FAPE) under State law, a public agency must provide the child with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the child in meeting postsecondary goals. [20 U.S.C. 1414(c)(5)(B); 34 CFR §300.305(e)(3)] A State that receives amounts from a grant under Part B may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law), the agency shall provide any notice required by 20 U.S.C. 1415 to both the individual and the parents; all other rights accorded to parents under Part B transfer to the child; the agency shall notify the individual and the parents of the transfer of rights; and all rights accorded to parents under Part B transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution. [20 U.S.C. 1415(m)(1); 34 CFR §300.520]
2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. [20 U.S.C. 1416 (a)(3)(A)]	The State must have in effect policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability. The rights of parents regarding education records are transferred to the student at age 18. If the rights accorded to parents under Part B are transferred to a student who reaches the age of majority, the rights regarding educational records must also be transferred to the
13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the child to meet the post-secondary goals. [20 U.S.C. 1416(a)(3)(B)]	
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. [20 U.S.C. 1416(a)(3)(B)]	

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MONITORING PRIORITIES AND INDICATORS	RELATED REQUIREMENTS
	<p>student. The public agency must provide any notice required under 20 U.S.C. 1415 of the Act to the student and the parents. [20 U.S.C. 1412(a)(8); 34 CFR §99.5(a) and §300.625]</p> <p>Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who for each year of age from age 14 through 21, stopped receiving special education and related services because of program completion (including graduation with a regular secondary school diploma), or other reasons, and the reasons why those children stopped receiving special education and related services. [20 U.S.C. 1418(a)(1)(A)(iv); 34 CFR §300.601(b)(1)]</p> <p>The provisions of Part B apply to all political subdivisions of the State that are involved in the education of children with disabilities including State and local juvenile and adult correctional facilities.¹ [34 CFR §300.2(b)(1)(iv)]</p>
	<p><u>IEP Provisions</u></p> <p>The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum; and a statement of measurable annual goals, including academic and functional goals designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability. [20 U.S.C. 1414(d)(1)(A)(i)(I) and (II); 34 CFR §300.320(a)(1)(i) and (2)(i)(A) and (B)]</p> <p>The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports) will be provided. [20 U.S.C. 1414(d)(1)(A)(i)(II); 34 CFR §300.320(a)(3)]</p> <p>The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1)(A)(i)(IV); 34 CFR §300.320(a)(4)]</p>

¹ The FAPE requirements relating to transition planning and transition services do not apply, with respect to the students whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. 34 CFR §300.324(d)

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	<p>The IEP must include the projected date for the beginning of the services and modifications described and the anticipated frequency, location, and duration of those services and modifications. [20 U.S.C. 1414(d)(1) (A)(i)(VII); 34 CFR §300.320(a)(7)]</p> <p>The IEP, beginning not later than the first IEP to be in effect when the child turns, 16 or younger if determined appropriate by the IEP team and updated annually thereafter, must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills; the transition services (including courses of study) needed to assist the child in reaching those goals; and beginning not later than 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under 20 U.S.C. 1415(m). [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 34 CFR §300.320(b) and (c)]</p> <p>For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice must indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition service for the child, in accordance with 300.320(b), and that the agency will invite the student and identify any other agency that will be invited to send a representative. [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 34 CFR §300.322(b)(2)]</p> <p>The IEP Team must be a group of individuals composed of: the parents of a child with a disability; not less than one regular education teacher of such child; not less than one special education teacher or provider of such child; a representative of the LEA; an individual who can interpret the instructional implications of evaluation results (who may be the child's regular or special education teacher); at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p> <p>In developing each child's IEP, the IEP Team must consider the strengths of the child; the concerns of the parents for enhancing the education for their child; the results of the initial evaluation or most recent evaluation of the child; and the academic, developmental and functional needs of the child. [20 U.S.C. 1414(d)(2)(A); 34 CFR §300.324(a)(1)]</p> <p>In developing each child's IEP, the IEP Team must also consider the special factors included at 20 U.S.C. 1414(d)(3)(B) including positive behavioral interventions and supports, language, Braille, communication and assistive technology needs. [34 CFR §300.324(a)(2)]</p> <p>The IEP Team must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate. [20 U.S.C. 1414(d)(4); 34 CFR §300.324(b)(1)]</p>

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	<p>If a participating agency, other than the LEA, fails to provide the transition services described in the IEP in accordance with 20 U.S.C. 1414(d)(1)(A)(i)(VIII), the LEA must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP. [20 U.S.C. 1414(d)(6); 34 CFR §300.324(c)(1)]</p> <p>The public agency must invite the child with a disability to the IEP meeting if a purpose of the meeting will be consideration of the postsecondary goals of the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered. [34 CFR §300.321(b)(1)]</p> <p>The public agency, to the extent appropriate, with the consent of the parents or a youth who has reached the age of majority, must invite to the IEP meeting a representative of any participating agency that is likely to be responsible for providing or paying for transition services. [34 CFR §300.321(b)(3)]</p> <p>The transition services provided to youth with disabilities must meet the definition in 20 U.S.C. 1402(34)(A) through (C). [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.42]</p> <p>FAPE</p> <p>The State must ensure that a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.² [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)]</p> <p>Highly Qualified Personnel</p> <p>The State educational agency (SEA) must establish and maintain qualifications to ensure that personnel necessary to carry out Part B are appropriately and adequately prepared and trained including qualifications for related services personnel and paraprofessionals. The qualifications must be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements. [20 U.S.C. 1412(a)(14)(A) and (B); 34 CFR §300.156(a) and (b)]</p>
3. Participation and performance of children with disabilities on statewide assessments:	<p>A. Percent of districts meeting the State's Adequate Yearly Progress (AYP) objectives for progress for disability subgroups.</p> <p>The State must establish goals for the performance of children with disabilities in the State that promote the purposes of this title; are the same as the State's definition of adequate yearly progress, including the State's objectives for progress by children with disabilities, under Section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965; address graduation rates and dropout rates, as well as such other factors as the State may determine; and are consistent, to the extent appropriate, with any other goals and standards for children established by the State. [20 U.S.C. 1412(a)(15)(A); 34 CFR §300.156(a) and (b)]</p>

² The FAPE requirements do not apply to children aged 3 through 5 and 18 through 21 in a State to the extent that its application would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges, and aged 18 through 21 to the extent that State law does not require that special education and related services under Part B be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correction facility were not actually identified as being a child with a disability under section 602 or did not have an IEP under Part B. 20 U.S.C. 1412(a)(1)(B)

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<p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[20 U.S.C. 1416 (a)(3)(A)]</p> <p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <ul style="list-style-type: none"> A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and C. Use of appropriate behaviors to meet their needs. <p>[20 U.S.C. 1416(a)(3)(A)]</p>	<p>§300.157(a)]</p> <p>The State must establish performance indicators that the State will use to assess progress toward achieving the goals described in the above paragraph, including measurable annual objectives for progress by children with disabilities under section 111(b)(2)(C)(v)(II)(cc) of the Elementary and Secondary Education Act of 1965. [20 U.S.C. 1412(a)(15)(B); 34 CFR §300.157(b)]</p> <p>The State must adopt the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner. In carrying out this paragraph, the SEA, to the maximum extent possible, shall work collaboratively with the State agency responsible for assistive technology programs. [20 U.S.C. 1412(a)(23); 34 CFR §300.172(a)]</p> <p><u>State and Districtwide Assessment</u></p> <p>All children with disabilities must be included in all general statewide and districtwide assessment programs, including assessments described under Section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective IEPs. [20 U.S.C. 1412 (a)(16)(A); 34 CFR §300.160(a)]</p> <p>The SEA (or, in the case of a districtwide assessment the LEA) must develop guidelines for the provision of appropriate accommodations. [20 U.S.C. 1412(a)(16)(B); 34 CFR §300.160(b)]</p> <p>The State must develop and implement guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments. [20 U.S.C. 1412 (a)(16)(C)(i); 34 CFR §300.160(c)]</p> <p>The State's alternate assessments must be aligned with its challenging academic content standards and child academic achievement standards, and if it has adopted alternate academic achievement standards permitted under Section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, measure the achievement of children with disabilities against those standards. [20 U.S.C. 1412 (a)(16)(C)(ii); 34 CFR §300.160(c)(2)]</p> <p>The State must conduct the alternate assessments described in 20 U.S.C. 1412 (a)(16)(C)(i)(ii).</p> <p>U.S.C. 1412 (a)(16)(C)(iii); 34 CFR §300.160(c)(3)]</p> <p>The SEA (or, in the case of a districtwide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; (b) alternate assessments aligned with the State's challenging academic content standards and student achievement standards; and (c) alternate assessments aligned</p>

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	<p>with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(d)]</p> <p><u>IEP Provisions</u></p> <p>The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; and a statement of measurable annual goals, including academic and functional goals designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum, and meet each of the child's other educational needs that result from the child's disability. [20 U.S.C. 1414(d)(1)(A)(i)(I) and (II); 34 CFR §300.320(a)(1) and (a)(2)(i)]</p> <p>For children with disabilities who take alternate assessments aligned to alternate achievement standards, the IEP must include a description of benchmarks or short-term objectives. [20 U.S.C. 1414(d)(1)(A)(i)(I)(cc); 34 CFR §300.320(a)(2)(ii)]</p> <p>The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports) will be provided. [20 U.S.C. 1414(d)(1)(A)(i)(III); 34 CFR §300.320(a)(3)(i)]</p> <p>The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1)(A)(i)(IV); 34 CFR §300.320(a)(4)]</p> <p>The IEP must include statements of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on Statewide and districtwide assessments. [20 U.S.C. 1414(d)(1)(A)(i)(V)(aa); 34 CFR §300.320(a)(6)(i)]</p> <p>The IEP must, if the IEP Team determines that the child shall take an alternate assessment on a particular State or districtwide assessment of student achievement, provide a statement of why the child cannot participate in the regular assessment, and why the particular alternate assessment selected is appropriate for the child. [20 U.S.C. 1414(d)(1)(A)(i)(V)(bb); 34 CFR §300.320(a)(6)(iii)]</p> <p>The IEP must include the projected date for the beginning of the services and modifications described</p>

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	<p>and the anticipated frequency, location, and duration of those services and modifications. [20 U.S.C. 1414(d)(1)(A)(i)(VII); 34 CFR §300.320(a)(7)]</p> <p>The IEP Team must be a group of individuals composed of: the parents of a child with a disability; not less than one regular education teacher of such child; not less than 1 special education teacher or provider of such child; a representative of the LEA; an individual who can interpret the instructional implications of evaluation results who may be the child's regular or special education teacher; at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p> <p>In the case of a child with a disability aged 3 through 5 (or, at the discretion of the SEA, a 2-year-old child with a disability who will turn age 3 during the school year), the IEP Team must consider the individualized family service plan (IFSP). The IFSP may serve as the IEP of the child if using that plan as the IEP is consistent with State policy and agreed to by the agency and the child's parents. [20 U.S.C. 1414(d)(2)(B); 34 CFR §300.323(b)(1)]</p> <p>In developing each child's IEP, the IEP Team must consider the strengths of the child; the concerns of the parents for enhancing the education for their child, the results of the initial evaluation or most recent evaluation of the child; and the academic, developmental and functional needs of the child. [20 U.S.C. 1414(d)(3)(A); 34 CFR §300.324(a)(1)]</p> <p>In developing each child's IEP, the IEP Team must also consider the special factors included at 20 U.S.C. 1414(d)(3)(B) including behavior, language, Braille, communication and assistive technology needs. [20 U.S.C. 1414(d)(3)(B); 34 CFR §300.324(a)(2)]</p> <p>The IEP Team must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate. [20 U.S.C. 1414(d)(4); 34 CFR §300.324(b)(1)]</p> <p>FAP</p> <p>The SEA must ensure that a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who has been suspended or expelled from school. [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)]</p> <p>Highly Qualified Personnel</p> <p>The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out Part B are appropriately and adequately prepared and trained including qualifications for related services personnel and paraprofessionals. The qualifications must be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements. [20 U.S.C.</p>

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<p>4. Rates of suspension and expulsion:</p> <ul style="list-style-type: none"> A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity. <p>[20 U.S.C. 1416(a)(3)(A); 1412(a)(22)]</p>	<p>1412(a)(14)(A) and (B); 34 CFR §300.156(a) and (b)</p> <p>The SEA, and the Secretary of the Interior, must examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among LEAs in the State; or compared to such rates for nondisabled children within such agencies. [20 U.S.C. 1412(a)(22)(A); 34 CFR §§300.170 (a) and 300.646(a)(3)]</p> <p>If such discrepancies are occurring, the SEA must review and, if appropriate, revise (or require the affected State or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act. [20 U.S.C. 1412(a)(22)(B); 34 CFR §§300.170(b) and 300.646(b)]</p> <p>School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement for a child with a disability who violates a code of student conduct is appropriate. [20 U.S.C. 1415(k)(1)(A); 34 CFR §300.530(a)]</p> <p>School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent such alternatives are applied to children without disabilities). [20 U.S.C. 1415(k)(1)(B); 34 CFR §300.530(b)]</p> <p>If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, except as provided in 20 U.S.C. 1412(a)(1), although it may be provided in an interim alternative educational setting. [20 U.S.C. 1415(k)(1)(C); 34 CFR §300.530(c)]</p> <p>A child with a disability who is removed from the child's current placement (irrespective of whether the behavior is determined to be a manifestation of the child's disability) shall: continue to receive FAPE, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. [20 U.S.C. 1415(k)(1)(D); 34 CFR §300.530(d)]</p> <p>Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the IEP Team (as determined by the parent and the LEA) shall review all relevant information in the student's file, including</p>

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	<p>the child's IEP, any teacher observations, and any relevant information provided by the parents to determine: if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the LEA's failure to implement the IEP. If the IEP Team determines that either is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability. [20 U.S.C. 1415(k)(1)(E); 34 CFR §300.530(e)]</p> <p>If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall: conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child; or review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan, unless special circumstances exist, as provided in 20 U.S.C. 1415(k)(1)(G). [20 U.S.C. 1415(k)(1)(F); 34 CFR §300.530(f)]</p> <p>School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child: carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of an SEA or LEA; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or LEA; or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or LEA. [20 U.S.C. 1415(k)(1)(G); 34 CFR §300.530(g) and (i)]</p> <p>Not later than the date on which the decision to take disciplinary action is made, the LEA shall notify the parents of that decision, and of all procedural safeguards accorded under 20 U.S.C. 1415. [20 U.S.C. 1415(k)(1)(H); 34 CFR §300.530(h)]</p> <p>The interim alternative educational setting shall be determined by the IEP Team. [20 U.S.C. 1415(k)(2); 34 CFR §300.531]</p> <p>The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under 20 U.S.C. 1415(k), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing. [20 U.S.C. 1415(k)(3)(A); 34 CFR §300.532(a)]</p> <p>When a hearing has been requested by either the parent or the LEA, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for 20 U.S.C. 1415(k)(1)(C), whichever occurs first, unless the parent and the SEA and LEA agree otherwise; and the SEA or LEA shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10</p>

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	<p>school days after the hearing. [20 U.S.C. 1415(k)(4); 34 CFR §§300.532(c)(2) and 300.533]</p> <p>Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are removed to an interim alternative educational setting under 20 U.S.C. 1415(k)(1); the acts or items precipitating those removals; and the number of children with disabilities who are subject to long-term suspensions or expulsions. [20 U.S.C 1418(a)(1)(A)(v); 34 CFR §300.640]</p> <p>Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the incidence and duration of disciplinary actions by race, ethnicity, limited English proficiency status, gender, and disability category, of children with disabilities, including suspensions of one day or more. [20 U.S.C. 1418(a)(1)(D); 34 CFR §300.640]</p> <p>Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the number and percentage of children with disabilities who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled. [20 U.S.C. 1418(a)(1)(E); 34 CFR §300.640]</p> <p>Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the number of hearings requested under 20 U.S.C. 1415(k) and the number of changes in placements ordered as a result of those hearings. [20 U.S.C. 1418(a)(1)(G); 34 CFR §300.640]</p> <p><u>IEP Provisions</u></p> <p>The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum; and a statement of measurable annual goals, including academic and functional goals designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability. [20 U.S.C. 1414(d)(1)(A)(i)(I); 34 CFR §300.320(a)(1)(i) and (a)(2)(i)(A) and (B)]</p> <p>The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports) will be provided. [20 U.S.C. 1414(d)(1)(A)(i)(III); 34 CFR §300.320(a)(3)]</p> <p>The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or</p>

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	<p>on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child; to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1)(A)(i)(IV); 34 CFR §300.320(a)(4)]</p> <p>The IEP must include the projected date for the beginning of the services and modifications described and the anticipated frequency, location, and duration of those services and modifications. [20 U.S.C. 1414(d)(1)(A)(i)(VII); 34 CFR §300.320(a)(7)]</p> <p>The IEP, beginning not later than the first IEP to be in effect when the child is 16 and updated annually thereafter, must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills; the transition services (including courses of study) needed to assist the child in reaching those goals; and beginning not later than one year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under 20 U.S.C. 1415(m). [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 34 CFR §300.320(b) and (c)]</p> <p>The IEP Team must be a group of individuals composed of: the parents of a child with a disability; not less than one regular education teacher of such child; not less than one special education teacher or provider of such child; a representative of the LEA; an individual who can interpret the instructional implications of evaluation results (who may be the child's regular or special education teacher), at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p> <p>In developing each child's IEP, the IEP Team must consider the strengths of the child; the concerns of the parents for enhancing the education for their child; the results of the initial evaluation or most recent evaluation of the child; and the academic, developmental and functional needs of the child. [20 U.S.C. 1414(d)(3)(A); 34 CFR §300.324(a)(1)]</p> <p>In developing each child's IEP, the IEP Team must also consider the special factors included at 20 U.S.C. 1414(d)(3)(B) including positive behavioral intervention and supports, language, Braille, communication and assistive technology needs. [20 U.S.C. 1414(d)(3)(B); 34 CFR §300.324(a)(2)]</p> <p>The IEP Team must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate. [20 U.S.C. 1414(d)(4); 34 CFR §300.324(b)(1)]</p>

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	<p>Fape</p> <p>The State must ensure that a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who has been suspended or expelled from school. [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)]</p> <p>Highly Qualified Personnel</p> <p>The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out Part B are appropriately and adequately prepared and trained including qualifications for related services personnel and paraprofessionals. The qualifications must be consistent with any State-approved or State-recognized certification, licensure, registration, or other comparable requirements. [20 U.S.C. 1412(a)(14)(A) through (B); 34 CFR §300.156(a) and (b)]</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <ul style="list-style-type: none"> A. Removed from regular class less than 21% of the day; B. Removed from regular class greater than 60% of the day; or C. Served in public or private separate schools, residential placements, or homebound or hospital placements. <p>[20 U.S.C. 1416(a)(3)(A)]</p> <p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[20 U.S.C. 1416(a)(3)(A)]</p>	<p>To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, must be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment must occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [20 U.S.C. 1412(a)(5)(A); 34 CFR §300.114(a)]</p> <p>The State funding mechanism must not result in placements that violate the least restrictive environment (LRE) requirements, and the State shall not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability, including a preschool child with a disability, FAPE according to the unique needs of the child as described in the child's IEP. [20 U.S.C. 1412(a)(5)(B)(i); 34 CFR §300.114(b)(1)]</p> <p>Each LEA or SEA must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child. [20 U.S.C. 1414(e); 34 CFR §300.116(a)(1)]</p> <p>The State must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities, including preschool children with disabilities, for special education and related services. [20 U.S.C. 1412(a)(5); 34 CFR §300.115]</p> <p>In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that the placement decision: is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and is made in conformity with the LRE provisions of Part B, including 34 CFR §300.114 through 300.118. [20 U.S.C. 1412(a)(5) and 1414(e); 34 CFR §300.116(a)]</p> <p>The child's placement must be: determined at least annually; based on the child's IEP; and as close as</p>

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	<p>possible to the child's home, unless the parent agrees otherwise. Unless the IEP of a child with a disability requires some other arrangement, the child must be educated in the school that he or she would attend if nondisabled, unless the parent agrees otherwise. [34 CFR §300.116 (b) and (c)]</p> <p>In selecting the LRE, consideration must be given to any potential harmful effect on the child or on the quality of services that he or she needs. [34 CFR §300.116(d)]</p> <p>A child with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum. [34 CFR §300.116(e)]</p> <p>In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in 34 CFR §300.107, each public agency must ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child. [34 CFR §300.117]</p> <p>Except as provided in 34 CFR §300.149(d), an SEA must ensure that 34 CFR §300.114 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum or agreement or special implementation procedures. [34 CFR §300.118]</p> <p>Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are: receiving FAPE; participating in regular education; and in separate classes, separate schools or facilities, or public or private residential facilities. [20 U.S.C. 1418(a)(1)(A)(i) through (iii)]</p> <p><u>IEP Provisions</u></p> <p>The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum; and a statement of measurable annual goals, including academic and functional goals designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability. [20 U.S.C. 1414(d)(1)(A)(i)(I) and (II); 34 CFR §300.320(a)(1)(i) and (a)(2)(i)(A) and (B)]</p> <p>The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports) will be provided. [20 U.S.C. 1414(d)(1)(A)(i)(III); 34 CFR §300.320(a)(3)]</p> <p>The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or</p>

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	<p>on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1) (A)(i)(IV); 34 CFR §300.320(a)(4)]</p> <p>The IEP must include the projected date for the beginning of the services and modifications described and the anticipated frequency, location, and duration of those services and modifications. [20 U.S.C. 1414(d)(1)(A)(i)(VII); 34 CFR §300.320(a)(7)]</p> <p>The IEP, beginning not later than the first IEP to be in effect when the child is 16 and updated annually thereafter, must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills; the transition services (including courses of study) needed to assist the child in reaching those goals; and beginning not later than 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under 20 U.S.C. 1415(m). [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 34 CFR §300.320(b)]</p> <p>The IEP must be a group of individuals composed of: the parents of a child with a disability; not less than one regular education teacher of such child; not less than one special education teacher or provider of such child; a representative of the LEA; an individual who can interpret the instructional implications of evaluation results (who may be the child's regular or special education teacher); at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p> <p>The IEP Team must include a representative of the LEA who is knowledgeable about the general education curriculum. [20 U.S.C. 1414(d)(1)(B)(iv)(II); 34 CFR §300.321(a)(4)(ii)]</p> <p>In developing each child's IEP, the IEP Team must consider the strengths of the child; the concerns of the parents for enhancing the education for their child, the results of the initial evaluation or most recent evaluation of the child; and the academic, developmental and functional needs of the child. [20 U.S.C. 1414(d)(3)(A); 34 CFR §300.324(a)(1)]</p> <p>In developing each child's IEP, the IEP Team must also consider the special factors included at 20 U.S.C. 1414(d)(3)(B) including positive behavioral interventions and supports, language, Braille, communication and assistive technology needs. [20 U.S.C. 144(d)(3)(B); 34 CFR §300.324(a)(2)]</p> <p>The IEP Team must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate.</p>

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	<p>[20 U.S.C. 1414(d)(4); 34 CFR §300.324(b)(1)]</p> <p>FAFE</p> <p>The State must ensure that a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school. [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)]</p> <p>Highly Qualified Personnel</p> <p>The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out Part B are appropriately and adequately prepared and trained including qualifications for related services personnel and paraprofessionals. The qualifications must be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements. [20 U.S.C. 1412(a)(14)(A) and (B); 34 CFR §300.156(a) and (b)]</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[20 U.S.C. 1416(a)(3)(A)]</p>	<p>The agency proposing to conduct an initial evaluation to determine if the child is a child with a disability as defined in 20 U.S.C. 1401(3) must obtain informed consent from the parent before conducting the evaluation. If the parent does not provide consent or fails to respond to the request to provide consent, the LEA may pursue the initial evaluation by utilizing the procedures described in 20 U.S.C. 1415 except to the extent inconsistent with State law. [20 U.S.C. 1414(a)(1)(D); 34 CFR §300.300(a)]</p> <p>The public agency must provide notice to the parents of a child with a disability, in accordance with 34 CFR §300. 503, that describes any evaluation procedures the agency proposes to conduct. [20 U.S.C. 1414(b)(1); 34 CFR §300.304(a)]</p> <p>In conducting the initial evaluation, the LEA must use information provided by the parent to assist in determining: whether the child is a child with a disability, and the content of the child's IEP. [20 U.S.C. 1414(b)(2)(A); 34 CFR §300.304(b)(1)]</p> <p>As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must review evaluations and information provided by the parents of the child and consider input from the child's parents to identify what additional data, if any, are needed. [20 U.S.C. 1414(c)(1)(A)(i); 34 CFR §300.305(a)]</p> <p>When it is determined that no additional data are needed for reevaluation of the child with a disability, the parents of the child must be notified regarding: (1) the determination and the reasons for the determination; and (2) their right to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs. [20 U.S.C. 1414(c)(4)(A); 34 CFR §300.305(d)]</p> <p>Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent of the child make the determination of whether the child is a child</p>

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	<p>with a disability and the educational needs of the child, and a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent. [20 U.S.C. 1414(b)(4); 34 CFR §300.306(a)]</p> <p>The agency responsible for providing FAPE to a child with a disability shall seek to obtain informed consent from the parent before providing special education and related services. [20 U.S.C. 1414(a)(1)(D)(i)(II); 34 CFR §300.300(b)(1)]</p> <p>The public agency establishes and maintains procedures to ensure that parents of children with disabilities are guaranteed the procedural safeguards required by 20 U.S.C. 1415 that ensure their child receives FAPE. [20 U.S.C. 1415; 34 CFR §§300.500, 501, 503 and 504]</p> <p><u>IEP Provisions</u></p> <p>IEP Team must mean a group of individuals that includes, among other required individuals, the parents of a child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)(1)]</p> <p>A member of the IEP Team may be excused from attending an IEP meeting in whole or in part, if the parent and the LEA agree or consent, respectively, to the excusal in writing and the member submits in writing to the parent and the IEP Team input into the development of the IEP when the meeting involves a modification to or discussion of the member's area of the curriculum or related services. [20 U.S.C. 1414(d)(1)(C)(i) through (iii); 34 CFR §300.321(e)]</p> <p>In developing each child's IEP, the IEP Team shall consider the concerns of the parents for enhancing the education of their child. [20 U.S.C. 1414(d)(3)(A)(ii); 34 CFR §300.324(a)(1)(ii)]</p> <p>The public agency shall ensure that the IEP Team revises the IEP as appropriate to address information about the child provided to or by the parents. [20 U.S.C. 1414(d)(4)(A)(ii)(III); 34 CFR §300.324(b)(1)(ii)(C)]</p> <p>The public agency must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child. [20 U.S.C. 1414(e); 34 CFR §300.327]</p> <p>When conducting IEP Team meetings and placement meetings and carrying out administrative matters under 20 U.S.C. 1415 (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and a public agency may agree to use alternative means of meeting participation, such as video conferences and conference calls. [20 U.S.C. 1414(f); 34 CFR §300.328]</p>
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	The State must have in effect policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment as described in 34 CFR §300.8, consistent with 20 U.S.C. 1418(d). [20 U.S.C 1412(a)(24); 34 CFR §300.173]

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<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [20 U.S.C. 1416(a)(3)(C)]</p>	<p>In conducting the evaluation, the LEA shall: use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining: whether the child is a child with a disability; and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities; not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. [20 U.S.C. 1414(b)(2); 34 CFR §300.304(b)]</p> <p>Each LEA shall ensure that assessments and other evaluation materials used to assess a child under 20 U.S.C. 1414(b): are selected and administered so as not to be discriminatory on a racial or cultural basis; are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer; are used for purposes for which the assessments or measures are valid and reliable; are administered by trained and knowledgeable personnel; and are administered in accordance with any instructions provided by the producer of such assessments; the child is assessed in all areas of suspected disability; assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided; and assessments of children with disabilities who transfer from one school district to another school district in the same academic year are coordinated with such children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations. [20 U.S.C. 1414(b)(3); 34 CFR §300.304(c)]</p> <p>Upon completion of the administration of assessments and other evaluation measures: the determination of whether the child is a child with a disability as defined in 20 U.S.C. 1401 (3) and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child in accordance with 20 U.S.C. 1414(b)(5); and a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent. [20 U.S.C. 1414(b)(4); 34 CFR §300.306(a)]</p> <p>In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is: lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in Section 1208(3) of the Elementary and Secondary Education Act of 1965); lack of instruction in math; or limited English proficiency. [20 U.S.C. 1414(b)(5); 34 CFR §300.306(b)]</p> <p>A State must adopt criteria for determining whether a child has a specific learning disability as defined in 20 U.S.C. 1401(30). [20 U.S.C. 1221e-3; 1401(30) and 1414(b)(6); 34 CFR §300.307(a)]</p> <p>When determining whether a child has a specific learning disability as defined in 20 U.S.C. 1401(30), an</p>

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	<p>LEA shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability. In determining whether a child has a specific learning disability, an LEA may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in 20 U.S.C. 1414(b)(2) and (3). [20 U.S.C. 1414(b)(6)]</p> <p>Each SEA and the Secretary of Interior must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and LEA with respect to: the identification of children with disabilities, including the identification of children with a particular impairment; the placement in particular educational settings of such children; and the incidence, duration, type of disciplinary actions, including suspensions and expulsions. In the case of a determination of significant disproportionality, the State and the Secretary of Interior must: provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of Part B; require any LEA identified to reserve the maximum amount of funds under 20 U.S.C. 1413(f) to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly children in those groups that were significantly over identified; and require the LEA to publicly report on the revision of policies, practices, and procedures. [20 U.S.C. 1418(d); 34 CFR §300.646]</p> <p>An LEA may not use more than 15 percent of the amount the LEA receives under this part for any fiscal year, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. [20 U.S.C. 1413(f)(1); 34 CFR 300.226(a)]</p> <p>In implementing coordinated early intervening services under 20 U.S.C. 1413(f), the LEA may carry out activities that include: professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction. [20 U.S.C. 1413(f)(2); 34 CFR 300.226(b)]</p> <p>Each LEA that develops and maintains coordinated, early intervening services shall annually report to the SEA on the number of students served under 20 U.S.C. 1413(f) and the number of students served under 20 U.S.C. 1413(f) who subsequently receive special education and related services under this title during the preceding 2-year period. [20 U.S.C. 1413(f)(4); 34 CFR 300.226(d)]</p>
11. Percent of children with parental consent to	All children with disabilities residing in the State, including children with disabilities who are homeless

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<p>evaluate who were evaluated and eligibility determined within 60 days (or State established timeframe). [20 U.S.C. 1416(a)(3)(B)]</p>	<p>children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. [20 U.S.C 1412 (a)(3); 34 CFR §300.111(a)]</p> <p>The child find requirement shall apply with respect to children with disabilities in the State who are enrolled in private, including religious, elementary schools and secondary schools. [20 U.S.C. 1412(a)(10)(A)(ii); 34 CFR §300.131]</p> <p>An SEA, other State agency, or LEA shall conduct a full and individual initial evaluation, before the initial provision of special education and related services to a child with a disability. Either a parent of a child, SEA, other State agency, or LEA may initiate a request for an initial evaluation to determine if the child is a child with a disability. Such initial evaluation shall consist of procedures to determine: (1) if a child is a child with a disability (as defined in 20 U.S.C. 1401) within 60 days of receiving parental consent for the evaluation, or, if the State establishes a timeframe within which the evaluation must be conducted, within such timeframe; and (2) the educational needs of such child. [20 U.S.C. 1414(a)(1)(A) through (C); 34 CFR §300.301(a) through (c)]</p> <p>The 60-day timeframe shall not apply to an LEA if a child enrolls in a school served by the LEA after that timeframe has begun and prior determination by the child's previous LEA as to whether the child is a child with a disability, but only if the subsequent LEA is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent LEA agree to a specific time when the evaluation will be completed; or the parent of a child repeatedly fails or refuses to produce the child for the evaluation. [20 U.S.C. 1414(a)(1)(C)(ii); 34 CFR §300.301(d)]</p> <p>The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in 20 U.S.C. 1401 shall obtain informed consent from the parent of such child before conducting the evaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services. [20 U.S.C 1414(a)(1)(D)(i)(I); 34 CFR §300.300(a)(3)]</p> <p>If the parent of a child does not provide consent for an initial evaluation under 20 U.S.C. 1414(a)(1)(D)(i)(I), or the parent fails to respond to a request to provide the consent, the LEA may pursue the initial evaluation of the child by utilizing the procedures described in 20 U.S.C. 1415, except to the extent inconsistent with State law relating to such parental consent. [20 U.S.C 1414(a)(1)(D)(ii)(I); 34 CFR §300.300(a)(3)]</p> <p>In conducting the evaluation, the LEA shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining: whether the child is a child with a disability; and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the</p>

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	<p>general education curriculum, or, for preschool children, to participate in appropriate activities; not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. [20 U.S.C. 1414(b)(2); 34 CFR §300.304(b)]</p> <p>Each public agency shall ensure that assessments and other evaluation materials used to evaluate a child under 20 U.S.C. 1414(b): are selected and administered so as not to be discriminatory on a racial or cultural basis; are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer; are used for purposes for which the assessments or measures are valid and reliable; are administered by trained and knowledgeable personnel; and are administered in accordance with any instructions provided by the producer of such assessments; the child is assessed in all areas of suspected disability; assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided; and assessments of children with disabilities who transfer from one school district to another school district in the same academic year are coordinated with such children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations. [20 U.S.C. 1414(b)(3); 34 CFR §300.304(c)]</p> <p>Upon completion of the administration of assessments and other evaluation measures, the determination of whether the child is a child with a disability as defined in 20 U.S.C. 1402(3) and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child in accordance with 20 U.S.C. 1414(b)(5); and a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent. [20 U.S.C. 1414(b)(4); 34 CFR §300.306(a)]</p> <p>In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is: lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in Section 1208(3) of the Elementary and Secondary Education Act of 1965); lack of instruction in math; or limited English proficiency. [20 U.S.C. 1414(b)(5); 34 CFR §300.306(a)(12)]</p> <p>When determining whether a child has a specific learning disability as defined in 20 U.S.C. 1402, an LEA shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability. In determining whether a child has a specific learning disability, an LEA may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in 20 U.S.C. 1414(b)(2) and (3). [20 U.S.C. 1414(b)(6); 34 CFR §§300.307(a)]</p> <p>The Child find requirements apply to highly mobile children with disabilities (such as migrant and</p>

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<p>homeless children) and children who are suspected of being a child with a disability and in need of special education and related services even though they are advancing from grade to grade. [20 U.S.C. 1412(a)(3); 34 CFR §300.111(c)]</p> <p>12. Percent of children referred by Part C prior to age 3 and who are found eligible for Part B who have an IEP developed and implemented by their third birthdays. [20 U.S.C. 1416(a)(3)(B)]</p>	<p>Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under Part B, experience a smooth and effective transition to those preschool programs. By the third birthday of such a child, an IEP, or, if consistent with 20 U.S.C. 1414(d)(2)(B) and 1436(d), an IFSP has been developed and is being implemented for the child. The LEA will participate in transition planning conferences arranged by the lead agency. [20 U.S.C. 1412(a)(9); 34 CFR §300.124]</p> <p>In the case of a child who was previously served under Part C, an invitation to the initial IEP meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with smooth transition services. [20 U.S.C. 1414(d)(1)(D); 34 CFR §300.321(f)]</p>
<p>In the case of a child with a disability aged 3 through 5 (or, at the discretion of the SEA, a 2-year-old child with a disability who will turn age 3 during the school year), the IEP Team must consider the IFSP. The IFSP may serve as the IEP of the child if using that plan as the IEP is consistent with State policy and agreed to by the agency and the child's parents. [20 U.S.C. 1414(d)(2)(B); 34 CFR §300.323(b)]</p> <p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. [20 U.S.C. 1416(a)(3)(B)]</p>	<p>The SEA must submit a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the conditions of 20 U.S.C. 1412. [20 U.S.C. 1412; 34 CFR §300.100]</p> <p>The SEA is responsible for the joint administration, with the Lead Agency for Part C, regarding the flexibility policy to serve children three years of age until entrance into elementary school. [20 U.S.C. 1435(c)]</p> <p>The SEA must ensure that the requirements of Part B are met. The SEA must ensure that all educational programs for children with disabilities in the State, including all such programs administered by any other State agency or local agency, are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and meet the educational standards of the SEA. The SEA must ensure, in carrying out Part B with respect to homeless children, the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) are met. [20 U.S.C. 1412(a)(11); 34 CFR §300.149]</p> <p>Funds paid to a State under Part B must be expended in accordance with all the provisions of Part B. Funds paid to a State under Part B must not be commingled with State funds. Except as provided by 20 U.S.C. 1413, funds paid to a State under Part B will be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational</p>

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	<p>agencies) expended for special education and related services provided to children with disabilities under Part B and in no case used to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them FAPE, the Secretary may waive, in whole or in part, these requirements if the Secretary concurs with the evidence provided by the State. [20 U.S.C. 1412(a)(17); 34 CFR §300.162]</p> <p>The State must not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year. The Secretary shall reduce the allocation of funds under 20 U.S.C. 1411 for any fiscal year following the fiscal year in which the State fails to comply with this requirement by the same amount by which the State fails to meet the requirement. [20 U.S.C. 1412(a)(18); 34 CFR §300.163(a) and (b)]</p> <p>Prior to the adoption of any policies and procedures needed to comply with 20 U.S.C. 1412 (including any amendments to such policies and procedures), the State must ensure that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. [20 U.S.C. 1412(a)(19); 34 CFR §300.165(a)]</p> <p>The State shall establish and maintain an advisory panel whose duties should include: advising the SEA of needs within the State; commenting publicly on any rules or regulations proposed by the State; advising the SEA in developing evaluations and reporting on data to the Secretary under 20 U.S.C. 1418; advising the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B; and advising the SEA in developing and implementing policies relating to the coordination of services for children with disabilities. [20 U.S.C. 1412(a)(21); 34 CFR §§300.167 through 169]</p> <p>The SEA must ensure that each LEA submits a plan and provides assurances that the plan is implemented consistent with State policies and procedures as established under 20 U.S.C. 1412. [20 U.S.C. 1413(a); 34 CFR §300.200]</p> <p>The State must monitor implementation of Part B by LEAs; and enforce Part B in accordance with 20 U.S.C. 1416(a)(3) and (e). [20 U.S.C. 1416(a)(1)(C); 34 CFR §300.600]</p> <p>The primary focus of State monitoring activities shall be on improving educational results and functional outcomes for all children with disabilities; and ensuring that States meet the program requirements under Part B, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities. [20 U.S.C. 1416(a)(2); 34 CFR §300.149(a)]</p> <p>The Secretary shall monitor the States, and shall require each State to monitor the LEAs located in the State using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in the following priority areas: provision of</p>

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	<p>FAPE in the LRE; State exercise of general supervisory authority, including child find, effective monitoring, the use of resolution sessions, mediation, voluntary binding arbitration, and a system of transition services as defined in 20 U.S.C. 1402(34) and 1437(a)(9); and disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification and should consider other relevant information and data. [20 U.S.C. 1416(a)(3); 34 CFR §§300.149(b) and 300.600(c)]</p> <p>Each State must submit a State Performance Plan (SPP). As a part of the SPP, each State must establish measurable and rigorous targets for the indicators established under the priority areas. The State must report annually to the public on the performance of each LEA located in the State on the targets in the SPP. The State must make the SPP available through public means, including by posting on the website of the SEA, distribution to the media, and distribution through public agencies. The State must not report to the public or the Secretary any information on performance that would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information. [20 U.S.C. 1416(b); 34 CFR §§300.601 and 602]</p> <p>If an SEA determines that an LEA is not meeting the requirements of Part B, including the targets in the SPP, the SEA must prohibit the LEA from reducing the LEA's maintenance of effort under 20 U.S.C. 1413(a)(2)(C) for any fiscal year. [20 U.S.C. 1416(f); 34 CFR §300.608]</p> <p>Each State shall provide data each year to the Secretary of Education and the public on the indicators at 20 U.S.C. 1418(a)(1). The data shall be publicly reported by each State in a manner that does not result in the disclosure of data identifiable to individual children. [20 U.S.C. 1418(a) and (b)(1); 34 CFR §§300.640 through 642]</p> <p>Each SEA must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and LEA with respect to: the identification of children with disabilities, including the identification of children with a particular impairment; the placement in particular educational settings of such children; and the incidence, duration, type of disciplinary actions, including suspensions and expulsions. In the case of a determination of significant disproportionality, the State must: provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of Part B; require any LEA identified to reserve the maximum amount of funds under 20 U.S.C. 1413(f) to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly children in those groups that were significantly overidentified; and require the LEA to publicly report on the revision of policies, practices, and procedures. [20 U.S.C. 1418(d); 34 CFR §300.646]</p> <p>The SEA is responsible for State administration of activities including services to children with disabilities aged 3 through 5 inclusive, in accordance with 20 U.S.C. 1419(d) through (g).</p> <p>Grantees must monitor grant and subgrant supported activities to ensure compliance with applicable</p>

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<p>16. Percent of signed written complaints with reports issued that were resolved within the 60-day timeline, including a timeline extended for exceptional circumstances with respect to a particular complaint. [20 U.S.C. 1416(a)(3)(B)]</p> <p>Federal requirements and that performance goals are being achieved. [34 CFR §80.40(a) (EDGAR)]</p> <p>In the case of any State which applies, contracts, or submits a plan for participation in any applicable program in which Federal funds are made available for assistance to LEAs through, or under the supervision of, the SEA of that State, the State provides assurances to the Secretary that the State will adopt and use proper methods of administering each applicable program, including: monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions, and organizations under law; providing technical assistance, where necessary, to such agencies, institutions, and organizations; encouraging the adoption of promising or innovative educational techniques by such agencies, institutions, and organizations; the dissemination throughout the State of information on program requirements and successful practices; and the correction of deficiencies in program operations that are identified through monitoring or evaluation. [20 U.S.C. 1232d(b)(3)(GEPA)]</p> <p>The procedural safeguards notice required by 20 U.S.C. 1415(d)(2)(E) shall include a full explanation of the procedural safeguards, including the State complaint procedures in accordance with 34 CFR §§300.151 through 153 including a description of how to file a complaint and the timelines under those procedures. [34 CFR §300.504(c)]</p> <p>Each SEA shall adopt State complaint procedures for resolving any complaint, including a complaint filed by any individual, providing for the filing of a complaint with the SEA, disseminating to parents and other interested individuals the right to file a complaint. [34 CFR §300.151(a)]</p> <p>In resolving a complaint in which the SEA has found a failure to provide appropriate services, an SEA, pursuant to its general supervisory authority under Part B must address: how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child; and appropriate future provision of services for all children with disabilities. [34 CFR §§300.151(b)]</p> <p>Each SEA shall include in its complaint procedures a time limit of 60 days after a complaint is filed to carry out an investigation, give the complainant the opportunity to submit additional information, review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B, and issue a written decision to the complainant. The procedures must permit an extension of the time limit and include procedures for effective implementation of the SEA's final decision. [34 CFR §300.152(a) and (b)]</p> <p>The SEA must follow the specific requirements related to complaints and due process hearings on the same issue. [34 CFR §300.152(c)]</p> <p>An organization or individual may file a signed written complaint which must meet the requirements described in §300.153(b), (c) and (d). [34 CFR §300.153(a)]</p>	

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<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>The procedural safeguards shall include an opportunity for any party to present a request for a due process hearing³ with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to such child. [20 U.S.C. 1415(b)(6); 34 CFR §300.504]</p> <p>The SEA must adhere to the provisions related to due process hearings at 20 U.S.C. 1415(b)(6)-(8), (c)(2), (d), (f), and (g); 34 CFR §§300.507 through 515</p> <p>The public agency must ensure that, not later than 45 days after the expiration of the 30-day period under 34 CFR §300.510(b), a final decision is reached in the hearing and a copy of the decision is mailed to each of the parties. A hearing officer may grant specific extensions of time at the request of either party. [20 U.S.C. 1415(f)(1)(B)(ii); 34 CFR §300.515]</p> <p>Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the number of requests for due process hearings filed under 20 U.S.C. 1415 and the number of hearings conducted. [20 U.S.C. 1418(a)(1)(F); 34 CFR §300.640]</p> <p>Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the number of hearings requested under 20 U.S.C. 1415(k) and the number of changes in placements ordered as a result of those hearings. [20 U.S.C. 1418(a)(1)(G); 34 CFR §300.640]</p> <p>Prior to the opportunity for an impartial due process hearing, the LEA shall convene a meeting with the parents and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the request for a due process hearing. The resolution session shall occur within 15 days of receiving notice of the parents' request for a due process hearing, include a representative of the agency who has decision-making authority, and may not include an attorney of the LEA unless the parent is accompanied by an attorney. The resolution session is where the parents of the child discuss their request for a due process hearing and the facts that form the basis of the request for a due process hearing, and the LEA is provided the opportunity to resolve the issues raised in the request for a due process hearing, unless the parents and the LEA agree in writing to waive such meeting, or agree to use the mediation process described in 20 U.S.C. 1415(f)(1)(B)(i); 34 CFR §300.510(a)]</p> <p>If the LEA has not resolved the issues raised in the request for a due process hearing to the satisfaction of the parents within 30 days of the receipt of the request for a due process hearing, the due process hearing may occur, and all of the applicable timelines for a due process hearing under Part B shall</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	

³The IDEA uses the term "complaint" to indicate a request for a due process hearing. The term "request for a due process hearing" will be used in this document in lieu of "complaint." 20 U.S.C. 1415(e)(2)

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	<p>commence. [20 U.S.C. 1415(f)(1)(B)(ii); 34 CFR §300.510(b)(1)]</p> <p>In the case that a resolution is reached, the parties shall execute a legally binding agreement that is signed by both the parent and a representative of the agency who has the authority to bind such agency and enforceable in any State court of competent jurisdiction or in a district court of the United States. [20 U.S.C. 1415(f)(1)(B)(iii); 34 CFR §300.510(c)]</p> <p>If the parties execute a legally binding agreement, a party may void such agreement within 3 business days of the agreement's execution. [20 U.S.C. 1415(f)(1)(B)(iv); 34 CFR §300.510(d)]</p>
<p>19. Percent of mediations held that resulted in mediation agreements. [20 U.S.C. 1416(a)(3)(B)]</p>	<p>The procedural safeguards notice shall include a full explanation of the procedural safeguards, including the availability of mediation. [20 U.S.C. 1415(d)(2)(E)(iii); 34 CFR §300.504(c)(6)]</p> <p>Each public agency shall ensure that procedures are established and implemented to allow parties to disputes involving any matter, including matters arising prior to the filing of a request for a due process hearing, to resolve such disputes through a mediation process. [20 U.S.C. 1415(e)(1); 34 CFR §300.506(a)]</p> <p>The mediation process shall be voluntary on the part of the parties, shall not be used to deny or delay a parent's right to a due process hearing, or to deny any other rights afforded under Part B, and shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques. [20 U.S.C. 1415(e)(2)(A); 34 CFR §300.506(b)(1)]</p> <p>An LEA or SEA may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with: a parent training and information center or community parent resource center in the State; or an appropriate alternative dispute resolution entity, to encourage the use, and explain the benefits, of the mediation process to the parents. [20 U.S.C. 1415(e)(2)(B); 34 CFR §300.506(b)(2)]</p> <p>The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. [20 U.S.C. 1415(e)(2)(C); 34 CFR §300.506(b)(3)(i)]</p> <p>The State shall bear the cost of the mediation process. [20 U.S.C. 1415(e)(2)(D); 34 CFR §300.506(b)(4)]</p> <p>Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. [20 U.S.C. 1415(e)(2)(E); 34 CFR §300.506(b)(5)]</p> <p>If the parties resolve the dispute through the mediation process, the parties shall execute a legally binding agreement that sets forth such resolution and that states that all discussions that occurred</p>